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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,073	05/31/2006	Shinichi Shinozuka	33082M328	2094
441 7590 05/30/2008 SMITH, GAMBRELL & RUSSELL 1130 CONNECTICUT AVENUE, N.W., SUITE 1130 WASHINGTON, DC 20036				
EXAMINER HARTMAN JR, RONALD D				
ART UNIT		PAPER NUMBER		
2121				
MAIL DATE		DELIVERY MODE		
05/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,073

Applicant(s)

SHINOZUKA ET AL.

Examiner

Ronald D. Hartman Jr.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7-9, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 11-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Interpretations

As per the claims, the applicants use of "I" will be interpreted to correspond to "and".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

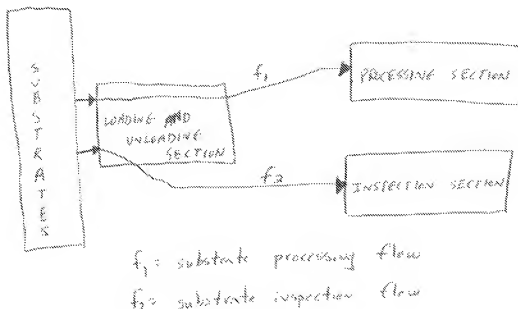
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 7-9 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogata et al., U.S. Patent Application Publication No. 2002/0037462.

In light of the interpretation above, claim 1 recites:

A method of controlling a substrate processing apparatus that comprises: a loading and unloading section loading and unloading a substrate; a processing section processing the substrate; and an inspection section inspecting the substrate, the substrate transferable between the sections, wherein a substrate processing flow and a substrate inspection flow are independently executed, the substrate processing flow being a flow in which the substrate loaded into the loading and unloading section is carried to the processing section to be processed, and the substrate inspection flow being a flow in which the substrate loaded into the loading and unloading section is carried to the inspection section to be inspected.

As best understood, this method may be graphically depicted as follows:



With regards to claims 1 and 2, as best understood, it appears that Ogata et al., U.S. Patent Application Publication No. 2002/0037462 teaches such the method claimed (e.g. see [0062]-[0067]).

As per claim 7, Ogata et al. teaches a plurality of inspection units (e.g. Figure 7 elements 63A, 63B and 63C).

As per claim 8, the rejection of claim 1 is applied herein.

As per claim 9, the rejection of claim 2 is applied herein.

As per claim 15, the rejection of claim 7 is applied herein.

As per claim 16, Ogata et al. teaches a control section controlling the overall operations of the apparatus (e.g. Figure 1 element 7).

Allowable Subject Matter

Claims 3-6 and 10-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claims 3 and 10, the prior art of record fails to teach the method of claim 1 further comprising a feature wherein the substrate inspection flow is executed for an external substrate that is loaded into the loading/unloading section from an external part of the substrate processing apparatus, when the inspection section is not engaged in the inspection of the substrate having undergone the substrate processing flow, in combination with the other claimed features and or limitations as claimed.

As per claims 4-6 and 11-14, specifically dependent claims 4 and 11, the prior art of record fails to teach the method of claim 1 further comprising a feature wherein the substrate processing flow and the substrate inspection flow are executed in a unit of a lot of the substrates, the substrate inspection flow is executed for a lot having undergone the substrate processing flow, and the substrate inspection flow is executed for an external lot loaded into the loading/unloading section from an external part of the substrate processing apparatus in a manner that an execution period of the substrate inspection flow for the external lot does not overlap with an execution period of the substrate inspection flow for the lot having undergone the substrate processing flow, in combination with the other claimed features and or limitations as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is

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(571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald D Hartman Jr./

Primary Examiner, Art Unit 2121

May 27, 2008

RDH